

IFW

PTO/SB/21 (09-04)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/650,189

Filing Date

August 27, 2003

First Named Inventor

Leung, Albert

Art Unit

2161

Examiner Name

Safet Metjahic

Attorney Docket Number

021154-000510US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): SB08A and SB08B, One (1) IDS Reference, Return Postcard
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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature	S. B. Kotwal		
Printed name	Sujit B. Kotwal		
Date	December 15, 2005	Reg. No.	43,336

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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*Krista K. Merrimac*

Typed or printed name

Krista K. Merrimac

Date

December 15, 2005

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**PATENT**  
Attorney Docket No.: 021154-000510US

Mail Stop: Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

December 15, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: *Austan D. McNamee*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ALBERT LEUNG et al.

Application No.: 10/650,189

Filed: August 27, 2003

For: TECHNIQUES FOR BALANCING  
CAPACITY UTILIZATION IN A  
STORAGE ENVIRONMENT

Examiner: Safet Metjahic

Art Unit: 2161

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the non-patent references [in compliance with the requirements of 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

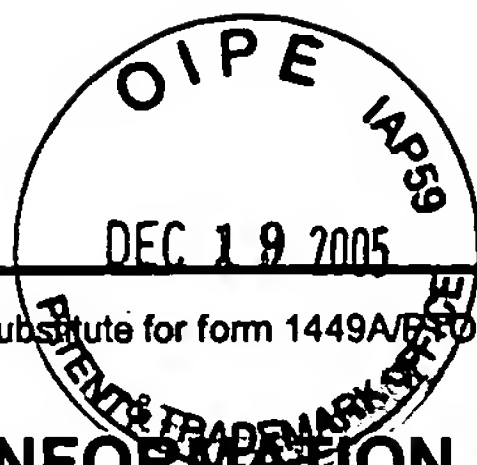
However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

*S. B. Kotwal*

Sujit B. Kotwal  
Reg. No. 43,336

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60658586 v1



Substitute for form 1449A/USPTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

2

**Complete if Known**

Application Number	10/650,189
Filing Date	August 27, 2003
First Named Inventor	Leung, Albert
Art Unit	2161
Examiner Name	Safet Metjahic
Attorney Docket Number	021154-000510US

**U.S. PATENT DOCUMENTS+**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AA	US-6,941,560	09/06/2005	Lowry et al.	
	AB	US-6,915,338	07/05/2005	Hunt et al.	
	AC	US-6,839,766	01/04/2005	Parnafes et al.	
	AD	US-6,678,248	01/13/2004	Haddock et al.	
	AE	US-6,662,235	12/09/2003	Callis et al.	
	AF	US-6,654,864	11/25/2003	Shaath et al.	
	AG	US-6,466,952	10/15/2002	Hanes et al.	
	AH	US-6,438,642	08/20/2002	Shaath	
	AI	US-6,370,545	04/09/2002	Shaath	
	AJ	US-6,336,175	01/01/2002	Shaath et al.	
	AK	US-			
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	AM	US-			
	AN	US-			
	AO	US-			
	AP	US-			
	AQ	US-			
	AR	US-			
	AS	US-			
	AT	US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	AU							<input type="checkbox"/>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<div>Substitute for form 1449B/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(use as many sheets as necessary)</div>				<b>Complete if Known</b>	
				Application Number	10/650,189
				Filing Date	August 27, 2003
				First Named Inventor	Leung, Albert
				Art Unit	2161
				Examiner Name	Safet Metjahic
Sheet	2	of	2	Attorney Docket Number	021154-000510US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	BC	SUN (Sun Microsystems, Inc., "Solstice Backup™ 5.5, Administration Guide", Part No. 806-1135-10, September 1999, Revision A), pg. 1-2, 140-141.	
	BD		
	BE		
	BF		
	BG		
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	BI		
	BJ		
	BK		
	BL		
	BM		

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.